

## **REMARKS**

In the Office Action of June 14, 2007, claims 16, 18, 20, 22 and 26-29 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Number 5,826,170 (hereinafter “Hirschfield et al.”). Furthermore, claims 12-15, 17, 19, 21 and 23-25 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hirschfield et al. in view of U.S. Patent Number 5,774,797 (hereinafter “Kawano et al.”).

In response, Applicants have amended the independent claims 12, 16 and 20 to more clearly distinguish the claimed invention from the cited references. Claims 13, 14, 18, 23 and 25 have also been amended. As amended, the independent claims 12, 16 and 20 are neither anticipated by Hirschfield et al. nor obvious in view of Hirschfield et al. and Kawano et al., as explained below. In view of the claim amendments and the following remarks, Applicants respectfully request the allowance of pending claims 12-29.

In responding to the Office Action, Applicants found minor informalities in the specification. Thus, the specification has been amended to correct these minor informalities.

### **A. Patentability of Amended Independent Claims 16 and 20**

As amended, the independent claim 16 recites “*a controllable switch connected to the power supply and the amplifier to directly connect the power supply to the amplifier,*” which is not disclosed in the cited reference of Hirschfield et al. Thus, the amended independent claim 16 is not anticipated by Hirschfield et al.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

*Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As correctly stated on page 2 of the Office Action, the cited reference of Hirschfield et al. discloses an amplifier 14 and a DC/DC converter 22, which are shown in Fig. 2. The DC/DC converter 22 is connected to satellite batteries 24 and solar arrays 24, which are power supplies. There is no direct connection between the power supplies (i.e., the satellite batteries 24 and the solar arrays 24) and the amplifier 14 via a switch or any other device except the DC/DC converter 22. Thus, the cited reference of Hirschfield et al. does not disclose “*a controllable switch connected to the power supply and the amplifier to directly connect the power supply to the amplifier,*” as recited in the amended independent claim 16. Therefore, the amended independent claim 16 is not anticipated by the cited reference of Hirschfield et al. As such, Applicants respectfully request that the amended independent claim 16 be allowed.

The above remarks are also applicable to the amended independent claim 20, which recites similar limitations as those of the amended independent claim 16 with respect to a method. Therefore, Applicants respectfully assert that the amended independent claim 20 is also not anticipated by the cited reference of Hirschfield et al., and request that this amended independent claim be allowed as well.

#### B. Patentability of Amended Independent Claim 12

As amended, the independent claim 12 recites “*a controllable switch connected to the power supply and the amplifier to directly connect the power supply to the amplifier,*” which is not disclosed in the cited references of Hirschfield et al. and Kawano et al. Consequently, these cited references even when combined do not disclose all the limitations of the amended independent claim 12. Thus, the amended independent claim 12 is not obvious in view of these cited references.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references

themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As explained above in section A, the cited reference of Hirschfield et al. does not disclose “*a controllable switch connected to the power supply and the amplifier to directly connect the power supply to the amplifier*,” which is recited in both the amended independent claims 12 and 16. The cited reference of Kawano et al. also does not disclose “*a controllable switch connected to the power supply and the amplifier to directly connect the power supply to the amplifier*,” as recited in the amended independent claim 12. Thus, the cited references of Hirschfield et al. and Kawano et al. even when combined do not disclose all the limitations of the amended independent claim 12. Therefore, the amended independent claim 12 is not obvious in view of the cited references of Hirschfield et al. and Kawano et al. As such, Applicants respectfully request that the amended independent claim 12 be allowed.

#### C. Patentability of Dependent Claims 13-15, 17-19 and 21-29

Each of the dependent claims 13-15, 17-19 and 21-29 depends on one of the amended independent claims 12, 16 and 20. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that these dependent claims are allowable for at least the same reasons as their respective base claims.

As an example, the amended dependent claims 14 and 18 recite in part “*said comparator being connected to an output of said amplifier to receive said RF signal from said amplifier*,” which is not disclosed in the cited reference of Hirschfield et al. The comparator 40 shown in Figs. 3 and 4 are not connected to the output of the amplifier 40. Thus, the amended dependent claims 14 and 18 are not obvious in view of the cited references of Hirschfield et al. and Kawano et al.

As another example, the amended dependent claim 25 recites in part “*wherein the communication device further includes a dissipative regulator means adapted to receive an output of the comparator and to fine-tune the voltage provided from the DC/DC converter to the amplifier in response to the output of the comparator, said dissipative regulator means including a variable resistor,*” which is not disclosed in the cited reference of Hirschfield et al. The alleged regulator (elements 30, 32, 42 shown in Fig. 4) of Hirschfield et al. does not include a variable resistor. Thus, the amended dependent claim 25 is not obvious in view of the cited references of Hirschfield et al. and Kawano et al.

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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